

We, the undersigned registered voters of the Town of Topsfield, hereby request the Board of Selectmen place on the May 4, 2004 Annual Town Meeting warrant the following warrant article. "To see if the Town will vote to amend the Town Code, Topsfield General By-Laws by adding a new Chapter LI, Pay-to-Park Parking By-Law as follows:

Chapter LI Pay-to Park Parking By-Law.

51.1 This by-law shall apply to all licensed pay-to-park parking lots located within the boundaries of the Town of Topsfield. For purposes of this by-law, a parking lot shall be defined as any space paved or unpaved which is used at any time for the business of conducting or maintaining the parking of vehicles in excess of twenty (20) cars for a parking fee.

51.2 Each licensed lot must maintain an exit available to every vehicle parked on the lot, no vehicle to be blocked in for any reason. Any vehicle on the premises of the licensee that is towed shall be towed from or off the premises at the expense of the licensee.

51.3 The Police Chief, at his discretion, may require a Police Officer to be on duty at a parking lot, said officer to be paid by the licensee. The Chief of Police will set the hours of duty.

51.4 Licensing fees paid to the Town of Topsfield shall be set at the rate of not less than ten (\$10.) dollars per parking space per annum, to be paid by July 1st of each year. Licensing fees shall be reviewed annually.

51.5 Application for license may be made to the Board of Selectmen by June 1st in order to allow for a thirty (30) day review period. Licenses will be in effect July 1st to June 30th of each year. A parking layout plan must be submitted to the Board of Selectmen by the applicant with each application showing the number of spaces available for a parking fee, the layout of those spaces, and the planned access and egress routes. Lots of one hundred (100) or more parking spaces require a parking layout plan drafted by a Registered Surveyor or Professional Engineer. All requirements that have been set forth must have been met including the payment in full of the license fee.

51.6 The Board of Selectmen may issue a license under such terms and conditions as they deem appropriate which will protect the public convenience or welfare including any condition which will promote the orderly access and egress of vehicles to and from a pay-to-park parking lot to the public way or which will reduce hazards to pedestrians within the parking lot or upon the public way.

51.7 Before granting a pay-to-park parking lot license, the Board of Selectmen shall find the following:

- a) There exists a public demand for the pay-to-park parking lot.
- b) The pay-to-park parking lot is necessary to protect the public convenience or welfare.

51.8 A schedule of parking fees charged at each parking lot is to be submitted to the Board of Selectmen by July 1st of each year.

51.9 Any person or licensee who violates any provision of this by-law shall be subject to criminal prosecution and/or shall be punished by a fine of not more than one hundred (\$100.) dollars per violation per day. The second day of any such violation shall constitute a separate offense and may result in the revocation of the license as provided below. Without limitation of other enforcement procedures available to the Town, the provisions of this by-law may also be enforced pursuant to M.G.L. Chapter 40, Section 21D, M.G.L. Chapter 148, Section 56 and any other applicable statute, by-law or regulation.

It shall be considered a violation of this by-law for:

- a. Any licensee to park vehicles in a pay-to-park parking lot in excess of twenty (20) vehicles without a license issued by the Board of Selectmen.
- b. Any person to operate a pay-to-park parking lot in excess of twenty (20) vehicles without a license issued by the Board of Selectmen.

Each day or portion thereof, during which the violation continues, shall constitute a separate offense. Upon notice to the Board of Selectmen that a second violation of any provisions of this by-law has occurred during the annual term of any license, the Board shall so notify the licensee in question and shall upon seven (7) days notice conduct a public hearing to determine whether to revoke the license of said licensee. The Board may following such public hearing in addition to other remedies provided herein and by law, order the revocation of any license issued pursuant to this bylaw and/or M.G.L. Chapter 148, Section 56. The Board of Selectmen shall be acting pursuant to its licensing authority under Massachusetts General Laws and any other applicable by-law or regulation in enforcing this by-law.

51.10 This by-law may be enforced by the Police Chief and/or his designee, and/or the Board of Selectmen and/or their designee."

